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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/604,546 | 07/30/2003 | Yu-Hung Sun | LITP0005USA | 1545 |
| 27765 | 7590 | 08/25/2006 | EXAMINER | |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION | | | DINH, TAN X | |
| P.O. BOX 506 | | | ART UNIT | PAPER NUMBER |
| MERRIFIELD, VA 22116 | | | 2627 | |

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/604,546 | SUN ET AL. | |
| | Examiner | Art Unit | |
| | TAN X. DINH | 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2) The drawings are objected to because the circuit blocks 22 and 30 in *figure 1* must be proper labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in

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the next Office action. The objection to the drawings will not be held in abeyance.

3) Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " the maximum distance " (claims 2 and 6) lacks clear antecedent basis. The rejection may be overcome by replace this phrase by " a maximum distance ".

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by HAN (5,633,840).

HAN discloses a method for moving a pickup head module to an initial position for use in an optical disk drive without a touch sensor, as claimed in claims 1 and 2, comprising the following step of:

when power is provided to the optical disk drive, moving the

pickup head module toward a spindle motor according to a gradually decreasing speed curve, wherein the position where the pickup head stops is the initial position (Fig.3A, steps 101,102,103,104 and 105. In this case, when power is provided to the optical disk drive the optical pick-up is moved to inner area (TOC area) and stop at initial position. The distance for moving the optical pick-up is full stroke).

7) Claims 1-7 are further rejected under 35 U.S.C. 102(b) as being anticipated by MAEDA (JP, 08-096,533).

MAEDA discloses a method for moving a pickup head module to an initial position for use in an optical disk drive without a touch sensor, as claimed in claims 1 and 3, comprising the following step of:

when power is provided to the optical disk drive, moving the pickup head module toward a spindle motor according to a gradually decreasing speed curve, wherein the position where the pickup head stops is the initial position (see the abstract, in this case, after turn on, the optical pick-up move to initial position, this feature is inherent in every optical disc);

recording a present address of a disk corresponding to seeking and accessing the pickup head module after disk (abstract, in this

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case the present position in the data area (read-in area) of the pick-up is recorded in memory 25);

calculating a return distance according to the present address and an initial address of the disk and moving the pickup head module for the return distance in the direction from an outer ring to an inner ring of the disk (abstract, in this case, the distance between the initial position and the present position of optical pick-up is calculated and the controller 15 moves the optical pickup from outer area to inner area).

As to claims 4 and 7, MAEDA shows the optical pick-up is moved to initial position when an optical disc is replaced (abstract).

Claim 5 is rejected with the same reasons set forth in claims 1 and 3 above.

As to claims 2 and 6, MAEDA shows the distance for moving the optical disk is full stroke (the optical pick-up moving from any locations on the disk is full stroke).

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the

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objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN Xuan DINH whose telephone number is (571)-272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:30PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

August 22, 2006